

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCOIS MARLAND,

Plaintiff,

-against-

08 Civ. 3751 (LAK)

MATTHEW HEYSEL and BIG SKY ENERGY
CORPORATION,

Defendants.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Plaintiff moves for reconsideration of this Court's memorandum opinion, which granted defendants' motion to dismiss the complaint, or for leave to amend. DI 15.

Insofar as plaintiff seeks reconsideration, the motion is denied. As former Chief Judge, now Attorney General, Mukascy has written, a party seeking reconsideration "is not supposed to treat the court's initial decision as the opening of a dialogue in which that party may then use such a motion to advance new theories or adduce new evidence in response to the court's rulings." *Polsby v. St. Martin's Press, Inc.*, No. 97 Civ. 690 (MBM), 2000 WL 98057, *1 (S.D.N.Y. Jan. 18, 2000).

Insofar as plaintiff seeks leave to amend in an effort to show a claim that falls within the federal securities laws, the motion is granted to the extent that plaintiff may file an amended complaint on or before August 14, 2008.

SO ORDERED.

Dated: July 28, 2008

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Lewis A. Kaplan
United States District Judge